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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,507	12/29/2003	Sam Novinsky	P4510C1	7293

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EXAMINER

LEJA, RONALD W

ART UNIT PAPER NUMBER

2836

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,507

Applicant(s)

NOVINSKY ET AL.

Examiner

Ronald W. Leja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on approved RCE filed on 9/13/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,11,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5,10 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is believed that Applicant had intended to cancel Claim 7 as its limitations have been amended into the Independent Claim 6.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3, 6-8, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weynachter (6,127,742) in view of Crosier (5,841,616).

Weynachter discloses in Figure 8, a combination of a circuit breaker module with monitoring circuitry that includes a sensor (32) for monitoring the status of the circuit breaker and what fault caused the breaker to open (Col. 6, lines 30-60). The

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monitoring circuitry is withdrawn with the action of withdrawing of the circuit breaker module, but does not specifically disclose that the sensor monitors the presence of the breaker. However, Crosier teaches circuit breaker modules (1) with attached monitoring circuitry (10). The monitoring circuitry is capable of monitoring various conditions, which include the voltage applied to the breaker (Col. 2, lines 39-54). Furthermore, Crosier teaches that once the monitoring circuitry (10) is secured (snap-fit) to the circuit breaker (1), that removal from the circuit breaker is impossible without damaging the module (10) and/or circuit breaker (1) and that such damage would be an indication that the circuit breaker has been removed from the monitoring circuitry (10), and thereby, essentially teaches monitoring of the breaker presence (Col. 4, lines 52-60). It is the opinion of the Examiner that from the teachings of Crosier, it would have been obvious to monitor breaker presence (even with a sensor) so as to give the technician more information quickly so as to help decrease down-time in the event of a detected system problem. Less down-time results in increased product reliability and lower maintenance costs. Claims 3, 6-8 and 11-14 add further limitations that the module is a docking module for docking in a bay of a cabinet and that the cabinet has redundant power supply/breaker modules with Claim 11 dedicating the cabinet to a packet router of the Internet. Weynachter teaches that removable module (2) may be a switchgear, circuit breaker, a contactor or a switch with auxiliary control or indicating circuits. Also taught is that communication devices can also be disposed within the modules for use with a communication bus/network (see Col. 1, lines 20-52). See also Col. 7, lines 14-27. Armed with these general teachings and the common knowledge within the art, that related electrical equipment of a system are often housed together within a cabinet or rack setting, it is

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the opinion of the Examiner that it would have been obvious to utilize the modular teachings of Weynachter, wherein monitoring circuitry (23, 32, 34) is removed with the module's removal, to any bay of a cabinet and/or one having redundant power supplies, so as to reduce module replacement time by not having to re-establish all the processing unit settings and configurations of the communication addresses each time a module is replaced. Use of redundant power supplies is well known in the art and would have been obvious to apply to a cabinet as a means to ensure continued power even if a supply had failed.

Claims 4, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weynachter in view of Crosier and Padulo (6,137,068).

These set of claims are drawn to use of a safety mechanism for preventing the module from being docked or with drawn with the breaker ON. Padulo is also drawn to the ensuring that a removable circuit breaker is in the OFF position when removing or docking. Figure 3 illustrates a mechanism for ensuring the OFF position during docking procedures. Figures 4-8 also illustrate that a circuit breaker is in the OFF state when installing and removing. It would have been obvious to incorporate this safety feature as a means to protect the breaker's contacts as well as any equipment connected to the system from surge/arcing damages as a result of a breaker being inadvertently left ON when removing or installing.

Claims 5, 10 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a Statement of Reasons for the Indication of Allowable Subject Matter: These claims have added safety limitations drawn to a horizontal bar and


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notch system to the claimed combinations. Such limitations within the claimed combinations are not disclosed nor suggested by the Prior Art of Record, and as such, are considered allowable over the Prior Art of Record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald W. Leja
Primary Examiner
Art Unit 2836

rwl
September 24, 2006

